



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,677	03/29/2001	Kevin D. Hunter	150-096RP	4206

7590 07/23/2004

MR. WILLIAM FRITZ
NEOMEDIA TECHNOLOGIES, INC.
2201 SECOND STREET
SUITE 600
FORT MYERS, FL 33901

EXAMINER

NAWAZ, ASAD M

ART UNIT PAPER NUMBER

2155

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/821,677	Applicant(s) HUNTER, KEVIN D.	
	Examiner Asad M Nawaz	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2155

1. Claims 1-44 are pending.

Specification

2. The use of the trademarks Palm, OpenWave, and UP.Link has been noted in this application. They should be capitalized wherever they appear and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 216, 308, 355, and 356. Corrected drawing sheets, or amendment to the specification to add the reference character(s) in the description, are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Art Unit: 2155

4. Claim 10 is objected to because of the following informalities: The term "least one parameter field" should be preceded by "at". Numerous other claims exhibit the same informality. Appropriate correction is required.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Art Unit: 2155

Claims 1-9, 12-16, 18-31, 33-38, and 41-44 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-58 of U.S. Patent No. 6,542,933 issued to Durst et. Al. in view of Cragun et al (US Patent No. 5,804,803. Claims 1-9, 12-16, 18-31, 33-38, and 41-44 are essentially the same as claims 1-58 except that they recite an additional component, the URL-assembly server, whose functions were previously disclosed but the actual architecture was not. Cragun et al shows a component that is capable of receiving a linkage code, extracting an identification code from the linkage code, obtaining a URL template, complete the template, send via a wireless network the template, and cache or store the records. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a separate component, as disclosed in Cragun, to facilitate the same functions as Durst discloses because Cragun teaches "a client computer with a scanner capable of scanning objects for a code...translates the code into a URL that specifies both a server computer and the location within the server...the client computer transmits the URL to the server computer, receives information related to the object from the server computer, and communicates the information to the customer" all while using a component with the functions of a URL-Assembly server. (Abstract) More specifically, Cragun teaches the reception of code (col 8, lines 55), extracting server an identification from the data stream (col5, lines 50-65; col 8, lines 23-26), obtaining a URL template associated with an identification code, comprising of numerous fields to be completed, completion of the URL template, (col 8, 35-50), and sending via a wireless network the template (col 8, lines 45-50)

Art Unit: 2155

Claim 1 of the instant application corresponds to claim 1 of the Durst patent excluding the URL-Assembly server although the function of the server is still present. Cragun teaches this as described above. Regarding the limitation of transmitting from the client device to a URL-assembly server a data stream comprising the linkage code is obvious in that for one to accomplish limitation lettered 'c' from limitation lettered 'a', some sort of transmission must have occurred.

Claims 2 and 5 of the instant application correspond to claim 7 of Durst.

Claim 3 corresponds to claims 4,5,6, and 7 of Durst.

Claim 4 of the instant application corresponds to claim 8 of Durst.

Claim 6, 7, and 8 of the instant application correspond to claims 5, 6, 7, and 8 of Durst.

Claim 9 of the instant application corresponds to claims 12 and 13 of Durst.

Claims 10 and 11 of the instant application correspond to claim 12 of Durst.

Claim 12 of the instant application corresponds to claim 12 of Durst.

Claim 13 of the instant application corresponds to claim 20 of Durst.

Claim 14 of the instant application corresponds to claim 21 of Durst.

Claims 15-16 of the instant application corresponds to claims 22 and 23 of Durst.

Claim 17 of the instant application is obvious by definition. A browser is "software that lets a user view HTML documents and access files and software related to those documents...web browsers can blur the distinction between local and remote resources for the user." (Microsoft Computer Dictionary, Fifth Edition)

Art Unit: 2155

Claim 18 of the instant application is obvious by definition. A proxy server "manages Internet traffic to and from a local area network (LAN) and can provide other features, such as document caching and access control. A proxy server can improve performance by supplying frequently requested data, such as a popular web page..." (Microsoft Computer Dictionary, Fifth Edition)

Claim 19 of the instant application corresponds to claim 2 of Durst.

Claim 20 of the instant application corresponds to claim 3 of Durst.

Claim 21 of the instant application is obvious due to the nature of the invention. The applicant is claiming a simplified access to Internet content on a wireless device.

Claim 22 of the instant application is obvious in that a proxy server is meant to manage Internet traffic to and from networked devices by definition. (Microsoft Computer Dictionary, Fifth Edition)

Claims 23-44 are essentially the system for the above stated method.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M Nawaz whose telephone number is (703) 305-0094. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMN


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER